

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/619,479	ENOMURA, MASAKAZU
	Examiner	Art Unit
	James S. Hogan	3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment received March 9, 2006.
2.  The allowed claim(s) is/are 23-39 and 45-47.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **DETAILED ACTION/EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul C. Lewis (Reg. No. 43,368) on April 12, 2006.

The application, in the claims has been amended as follows:

23. (Currently Amended) A processing apparatus for fluid comprising:  
a feed for fluid to be processed;  
a fluid pressure applying mechanism for applying predetermined pressure to fluid to be processed;  
at least two processing faces comprising a first processing face and a second processing face, the first processing face having a first processing portion and the second processing face having a second processing portion, wherein at least one of the first or second processing faces which is movable towards or away from the other, the first and second processing faces being connected with a tight-closed fluid passage through which the fluid flows, wherein the second processing face is formed on a lower surface of the a second processing portion, the second processing portion being an annular element;

a rotary drive mechanism for relatively rotating the first and second processing faces, thereby processing the fluid between both processing faces, the fluid being allowed to travel in use between the first and second processing faces, which relatively rotate, a fluid film with predetermined thickness being formed, whereby said fluid is processed to a desired condition of dispersion, emulsification, mixing, grinding, attrition, or atomization;

a face contact pressure applying mechanism for applying contact pressure between the two processing faces urging them into contact; and

a pressure receiving surface on which said fluid under predetermined pressure acts in use to provide a separation force for separating the processing faces,

wherein the fluid pressure applying mechanism, the face contact pressure and the pressure receiving surface are configured so that, in use, while the fluid is processed, the separation force between the processing surfaces is in balance with the contact pressure, the balance maintaining a predetermined interval between the processing faces in a microscale width.

24. (Currently Amended) A processing apparatus for fluid as defined in claim 23, ~~further comprising at least two processing portions comprising a first processing portion provided in a tight closed passage through which the fluid flows and a second processing portion which is movable towards or away from the first processing portion, wherein the first processing face and second processing face are disposed opposite to each other on respective said processing portions, the rotary drive~~

mechanism is for relatively rotating the first and second processing portions, thereby processing the fluid between both processing faces, at least the second processing portion of the first and second processing portions is provided with the pressure receiving face, and at least one part of the pressure receiving face is constituted by the second processing face.

Claims 40-43 are cancelled.

***Allowable Subject Matter***

Claims 23-39 and 45-47 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH  
4/12/2006



David A. Scherbel  
Supervisory Patent Examiner  
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